

Medication Administration by Unlicensed Personnel in ICF



Presented by DADS Regulatory Services
Policy, Rules & Curriculum (PRC) Development
Unit

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Objectives

At the completion of the training, participants will be able to:

- describe the criteria for an unlicensed person to administer medications to a client in a licensed ICF under certain conditions;
- describe the RN's responsibilities in regard to client assessments to determine if the client's health status permits medication administration by an unlicensed person;

Objectives

(continued)

- describe the nurse's responsibilities in regard to training the unlicensed person to safely administer medications;
- explain 10 of the 20 ICF/MR federal regulations related to drug administration, drug storage/record keeping, and drug labeling;

Section 1

SB 1857 – Main Points

An *unlicensed person* may provide *administration of medication* to certain *clients* residing in a facility with a bed capacity of 13 or less without the delegation or oversight of each administration of medication by a registered nurse (RN)...

IF

certain conditions are met.

SB 1857 – Main Points

Applicability

HRC §161.092(1)–(3)

SB 1857 applies only to administration of medication provided to certain persons with intellectual and developmental disabilities who are served:

SB 1857 – Main Points

Applicability (continued)

HRC §161.092(1)–(2)

- in a licensed ICF or non-licensed community center with 13 or fewer beds; or
- by one of the Section 1915(c) waiver programs administered by DADS to serve persons with intellectual and developmental disabilities, such as HCS or TxHmL.

SB 1857 – Main Points

Administration of Medication

HRC §161.091(1)(A)

- The removal of a unit or dose of medication from a previously dispensed, properly labeled container;
- verifying the medication with the medication order;

SB 1857 – Main Points

Administration of Medication (cont.)

HRC §161.091(1)(D)

- giving the proper medication in the proper dosage to the proper client at the proper time by the proper administration route; and
- recording the time of administration and dosage administered.

SB 1857 – Main Points

Client

HRC §161.091(2)

The client is a person with an intellectual and developmental disability who is receiving services from a facility or program listed in Section 161.092.

SB 1857 – In Detail

Administration of Medication (cont.)

HRC §161.093(a)

The unlicensed person may include:

- a nurse aide;
- an attendant;
- a technician;
- an orderly;
- a home health aid;
- a medication aide (state issued permit);
- an individuals providing personal health care-related services;
- a professional nursing student providing care for monetary compensation and not as part of a formal educational program; or

SB 1857 – Main Points

Unlicensed Person (cont.)

HRC §161.091(3)(B)

- a person who is monetarily compensated to perform certain health-related tasks and functions in a complementary or assistive role to a licensed nurse who provides direct client care or performs common nursing functions;

Section 2

SB 1857 – In Detail

Administration of Medication (cont.)

HRC §161.093(a)

Notwithstanding any other law,

SB 1857 – In Detail

Administration of Medication (cont.)

HRC §161.093(a)

Notwithstanding any other law, **an unlicensed person *may provide administration of medication to a client...***

SB 1857 – In Detail

Administration of Medication (cont.)

HRC §161.093(a)

Notwithstanding any other law, an unlicensed person may provide administration of medication to a client **without the requirement that a registered nurse delegate or oversee each administration...**

SB 1857 – In Detail

Texas BON: Delegation

An RN in the ICF program can delegate tasks if the situation and task meet all the requirements for delegation under the BON's rules at Texas Administrative Code (TAC), Title 22, Part 11, Chapter 225 (RN Delegation to UP And Tasks Not Requiring Delegation In Independent Living Environments For Clients With Stable And Predictable Conditions).

The BON's rules are available at www.bon.state.tx.us

SB 1857 – In Detail

Texas BON: Delegation

- Delegation is authorizing an unlicensed person to provide nursing services while retaining accountability for how the unlicensed person performs the task.
- It does not include situations in which an unlicensed person is directly assisting an RN by carrying out nursing tasks in the presence of an RN.

SB 1857 – In Detail

Texas BON: Delegation (cont.)

- The unlicensed person provides nursing-related services, while the RN retains accountability.
- The RN transfers responsibility for performance of the task to the unlicensed person.
- The RN retains accountability for client outcomes.

SB 1857 – In Detail

Conditions

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.093(a)(3)

The client has been personally assessed by an RN initially and in response to significant changes in the client's health status.

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.094(b)(1)

Each client is assessed to identify the client's needs and abilities regarding his or her medications.

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.093(a)(3)

The RN has determined that the client's health status permits the administration of medication by an unlicensed person.

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.093(a)(1)

The RN identifies that the medication to be administered to the client by the unlicensed person is administered:

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.093(a)(1)(A)-(C)

- orally;
- topically; or
- by metered dose inhaler route.

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.093(a)(2)

The RN has determined that the medication is administered to the client for a stable or predictable condition.

SB 1857 – In Detail

Conditions

Client Assessment by RN

HRC §161.093(a)(2)

If the RN has determined that the medication DOES NOT meet the criteria described in SB 1857, then the RN will need to make a determination regarding delegation to an unlicensed person

SB 1857 – In Detail

Conditions

The Unlicensed Person

HRC §161.093(a)(4)

- The unlicensed person is trained by an RN or LVN* regarding proper administration of medication;
OR

***under the direction of an
RN**

SB 1857 – In Detail

Conditions

The Unlicensed Person

HRC §161.093(a)(4)

- determined to be competent by an RN or LVN*, regarding proper administration of medication, including through a *demonstration of proper technique by the unlicensed person.*

***under the direction of an
RN**



SB 1857 – In Detail

Conditions

The Unlicensed Person

HRC §161.093(a)(4)

- Train?

OR

- Competent?

SB 1857 – In Detail

Conditions

The Unlicensed Person

HRC §161.093(a)(4)

1. Right medication
2. Right dose
3. Right person
4. Right route
5. Right time
6. Right documentation

SB 1857 – In Detail

Conditions

The Unlicensed Person

HRC §161.094(a)(1)

The administration of medication by an unlicensed person is reviewed at least annually and after any significant change in a client's condition by an RN or LVN*.

***under the supervision of an RN**

SB 1857 – In Detail

Conditions

The Unlicensed Person

HRC §161.094(b)(2)

The administration of medication by an unlicensed person to a client is performed only by an unlicensed person who is authorized to perform that administration.

SB 1857 – In Detail

Conditions

The ICF Provider

HRC §161.094(a)(2)

The provider employs (or contracts with) qualified licensed nurses.

SB 1857 – In Detail

Conditions

- Texas Occupations Code, Chapter 301 – Nurse Practice Act
- Title 22 TAC §217.11 – Standards of Nursing Practice
- Title 22 TAC Chapters 224 & 225
- Texas Board of Nursing – Practice Statements - www.bon.texas.gov

SB 1857 – In Detail

Liability

HRC §161.095(a)–(c)

Did the nurse properly:

- perform the client assessment;
- conduct the training of an unlicensed person; and/or
- determine that an unlicensed person was competent to provide administration of medication to clients.

SB 1857 – In Detail

Liability

HRC §161.095(a)–(c)

An RN or LVN may not be held accountable or civilly liable for the acts or omissions of an unlicensed person performing administration of medication.

Section 3

Code of Federal Regulations



National Archives and
Records Administration

code of
federal regulations

Code of Federal Regulations

The ICF *must* still be in compliance with the Code of Federal Regulations (CFR) regarding medication administration, including but not limited to:

- Drug administration – 42 CFR §483.460(k)
- Drug storage and record keeping – 42 CFR §483.460(I)
- Drug labeling – 42 CFR §483.460(I)

Drug Administration

42 CFR §483.460(k)

Drug Administration

The facility must have an organized system for drug administration that identifies each drug up to the point of administration.

The system must assure that:

State Operations Manual (SOM):
W367, 42 CFR §483.460(k) Standard:
Drug Administration



Drug Administration

- all drugs are administered in compliance with the physician's orders; and
- all drugs, including those that are self-administered, are administered without error.

SOM: W368 and W369, 42 CFR
§483.460(k)(1)-(2)

Drug Administration

Unlicensed personnel are allowed to administer drugs only if state law permits.

SOM: W370, 42 CFR §483.460(k)(3)



Drug Administration

“Unlicensed personnel” of the facility does not refer to the situation of individuals administering their own medication.

Unlicensed personnel administer only those forms of medication which state law permits.

SOM: Guidelines for W370, 42 CFR
§483.460(k)(3)

Drug Administration

Drug administration errors and adverse drug reactions are recorded and reported immediately to a physician.

SOM: W375 and W376, 42 CFR
§483.460(k)(8)

Drug Storage & Recordkeeping

42 CFR §483.460(1)

Drug Storage & Recordkeeping

The facility must store drugs under proper conditions of:

SOM: W377 – W381, 42 CFR
§483.460(1)(1)

Drug Storage & Recordkeeping

- sanitation;
- temperature;
- light;
- humidity; and
- security.

SOM: W377 – W381, 42 CFR
§483.460(l)(1)

Drug Storage & Recordkeeping

The facility must keep all drugs and biologicals locked except when being prepared for administration.

SOM: W382, 42 CFR §483.460(1)(2)

Drug Storage & Recordkeeping

Only authorized persons may have access to the keys to the drug storage area.

SOM: W383, 42 CFR §483.460(1)(2)

Drug Labeling

42 CFR §483.460(m)

Drug Labeling

Labeling of drugs and biologicals must:

SOM: W388, 42 CFR §483.460(m)(1)



Drug Labeling

- be based on currently accepted professional principles and practices; and

SOM: W388, 42 CFR §483.460(m)(1)

Drug Labeling

- include the appropriate accessory and cautionary instructions, as well as the expiration date, if applicable.

SOM: W389, 42 CFR §483.460(m)(1)(ii)

Drug Labeling

The facility must remove from use outdated drugs and drug containers with worn, illegible, or missing labels.

SOM: W390 and W391, 42 CFR
§483.460(m)(2)(1)-(ii)

Drug Labeling

Drugs and biologicals packaged in containers designated for a particular client must be immediately removed from the client's current medication supply if discontinued by the physician.

SOM: W392, 42 CFR §483.460(m)(3)

Contact Information for ICF Questions:

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